

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
KENTUCKY, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT AN)
ADDITIONAL CELL FACILITY IN THE) CASE NO. 95-031
LOUISVILLE, KENTUCKY METROPOLITAN)
STATISTICAL AREA (BROWNSBORO ROAD)
CELL FACILITY))

O R D E R

On February 13, 1996, the Commission received the attached letter from Ann D. Smith regarding the proposed cellular telecommunications facility to be located at 6018 Brownsboro Park Blvd., Louisville, Jefferson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. Contel Cellular of Kentucky, Inc. ("Contel Cellular") shall respond to Ms. Smith's concerns by certified letter, within 10 days of the date of this Order.

2. Contel Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 15th day of February, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director



RECEIVED

FEB 13 1996

PUBLIC SERVICE
COMMISSION

February 8, 1996

Executive Director's Office
Public Service Commission of Kentucky
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 95-031

Dear Sir or Madam:

Be advised that the undersigned is the owner of the following described property:

Being Unit #4, Building 4, a Condominium Unit in Brownsboro Office Park, according to the Master Deed dated July 13, 1995, of record in Deed Book 6613, Page 146; and as shown on plans of same of record in Apartment Ownership Book 52, Pages 39 and 40, all in the Office of the County Clerk of Jefferson County, Kentucky.

This property represents one unit in a condominium project commonly referred to as Brownsboro Office Park and was created by Master Deed of record in Deed Book 6613, Page 146, aforesaid referenced in description.

Pursuant to the terms of the Master Deed as aforesaid referenced recorded, Paragraph 9, Subsection (i) of the Master Deed provides that "nothing shall be altered on, constructed in, or removed from the common elements or limited common elements, except upon the written consent of the Developer and/or the Board of Directors of the Council".

RE/MAX 100, Inc.

6006 brownsboro park blvd.
louisville, kentucky 40207

(502) 897-1200 (800) 438-4218

Each Office Independently Owned and Operated



Pursuant to the letter from McBrayer, McGinnis, Leslie & Kirkland, PLLC, the undersigned as an owner has been notified of the proposal of Contel Cellular of Kentucky, Inc. to construct a cellular tower which will be located upon a portion of the common elements comprising Brownsboro Office Park.

This letter is to evidence my strong objection to granting of permits to allow construction of the cellular tower within the common elements of Brownsboro Office Park predicated upon the fact that, in my opinion, this construction will violate my rights as an owner under Paragraph 9 (i), will constitute a construction of "structure" not compatible with the office building unit, and will be obtrusive and adversely affect property rights and value which were established at the time of acquisition of ownership.

I strongly request the commission deny permission for construction of cellular tower on this property.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann D. Smith".

Ann D. Smith
Broker/Owner
RE/MAX 100, inc.